

KLINEDINST PC  
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Attorneys for Defendants  
TRACY COENEN and SEQUENCE, INC.

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

MEDIFAST, INC., a Delaware  
Corporation and BRADLEY  
MacDONALD, an individual,

Plaintiffs,

v.

BARRY MINKOW, an individual;  
FRAUD DISCOVERY INSTITUTE,  
INC., a California corporation;  
ROBERT L. FITZPATRICK, an  
individual; TRACY COENEN, an  
individual; SEQUENCE, INC., a  
Wisconsin service corporation;  
WILLIAM LOBDELL, an individual;  
iBUSINESS REPORTING, a  
California business organization of  
unknown form; and 'ZEEYOURSELF',  
an individual,

Defendants.

Case No. 10cv382 JLS (BGS)

**NOTICE OF MOTION AND MOTION IN  
SUPPORT OF TRACY COENEN AND  
SEQUENCE, INC.'S MOTION FOR  
ATTORNEYS' FEES AND COSTS**

**FED. R. CIV. P. 54(D)**  
**CAL. CODE CIV. PROC. § 425.16(C)**

Date	December 15, 2011
Time:	1:30 p.m.
Courtroom:	6 - 3rd Floor
Judge:	Janis L. Sammartino
Magistrate Judge:	Bernard G. Skomal
Complaint Filed:	February 17, 2010
Trial Date:	None set

PLEASE TAKE NOTICE that on December 15, 2011, at 1:30 p.m., or as soon thereafter as the matter may be heard, Defendants TRACY COENEN and SEQUENCE, INC. will move the Court for an order, pursuant to California Code of Civil Procedure section 425.16(c) and Federal Rules of Civil Procedure, Rule 45(d) for an award of mandatory attorneys' fees in the amount of \$222,495.00 and costs of \$15,612.94 incurred in connection with Defendants' anti-SLAPP motions.

- 1 -

1 The motion will be based on this Notice of Motion, the Memorandum of Points  
2 and Authorities, the Declarations of Heather L. Rosing, Leah A. Plaskin and Stephen M.  
3 Duvernay, the Compendium of Evidence and exhibits thereto, the files and records in this  
4 action, and any further evidence and argument that the Court may receive at or before the  
5 hearing.

6  
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8  
9 DATED: September 8, 2011

By: /s/ Leah A. Plaskin

Heather L. Rosing  
Leah A. Plaskin  
Stephen M. Duvernay  
Attorneys for Defendants  
TRACY COENEN and SEQUENCE,  
INC.

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